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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.384 OF 2007
IN
FIRST APPEAL NO.1389 OF 2006

Andrew Gerard Everard Julien ... Appellant
versus
Raj Realtors Construction Co. Pvt.Ltd. and another ... Respondents

Mr.Dhananjay i/by M.P.Vashi & Asso. for applicant
Mr.N.Dinkar Rao for respondents 1 and 2.

CORAM : A.S.OKA, J.
DATE : 09th March 2007

PC :

1. This application is taken out by respondent nos.1 and 2 in appeal contending that there is no proper undertaking filed by the appellant in the appeal in terms of Clause No.6 of order dated 19th August 2006 passed in Civil Application No.535 of 2006.

2. I have heard learned advocate for the applicant.

3. The record shows that initially an undertaking was filed on behalf of the appellant by one Mrs.Sandra M. McMohan claiming to a constituted attorney of the appellant. A copy of

Power of Attorney executed by the appellant in favour of Mrs.Sandra M. McMohan does not disclose that a specific authority has been conferred upon her to give an undertaking to the Court on behalf of the appellant. Hence, the undertaking by the said Mrs.Sandra M. McMohan cannot be accepted. On 2rd March 2007, the father of the appellant has filed an undertaking claiming to be the constituted attorney of the appellant. However, it is not shown to me that the appellant has specifically authorised his father to give an undertaking to this Court. Therefore, the said undertaking is not accepted. Hence, I pass the following order.

4. ORDER :-

a) If undertaking of the appellant or his constituted attorney who is specifically authorised to give an undertaking to this Court is not filed in this court in terms of order dated 19th August 2006 within a period of six weeks from today, the interim-relief granted by order dated 19th August 2006 will stand vacated without further reference to the Court;

b) Civil Application is disposed of.

(A.S.OKA, J.)